

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 3, 2015**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; Kirby Delauter, Jerry Donald, Jessica Fitzwater, and Billy Shreve were present for the meeting.

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office; Joyce Grossnickle, Office of the County Executive, and Patti Morrow, Recording Secretary.

Council President Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

Council Member Keegan-Ayer moved to approve the agenda as presented. Council Member Donald seconded the motion that passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Recognition and Appreciation of County Personnel Involved with the Frederick County Council Office Relocation

The Council recognized county staff that were involved with its office relocation.

Recognition of the 20th Anniversary of the Frederick Necktie Club

The Council recognized current members of the Frederick Necktie Club as the Club celebrated its 20th anniversary.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 3, 2015**

CONSENT AGENDA

The following items were considered on the consent agenda:

- #BT-16-092 – Sheriff's Office
- #BT-16-093 – Department of Aging, Citizens Services Division
- #BT-16-095 – Utilities and Solid Waste Management Division
- #BT-16-102 and Board of Education School Construction Amendment #16-04

Council Member Keegan-Ayer moved to approve the consent agenda as presented. Council Member Chmelik seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Business Items:

Affirm the Confirmation of the County Executive's Appointees – Joyce Grossnickle, Office of the County Executive

Ms. Grossnickle presented the appointments and reappointments recently made by County Executive Gardner. Ms. Grossnickle requested the Council's confirmation of the appointments and reappointments as presented.

Advisory Plumbing Board

Council Member Keegan-Ayer moved to confirm the appointment of Mr. Jeremy Peterson to fill an unexpired term to expire June 30, 2019. Council Member Donald seconded the motion that passed 7-0.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 3, 2015**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Commission For Women

Council Member Keegan-Ayer moved to confirm the appointments of Ms. Constance Baptist and Ms. Whitney Duck to fill unexpired terms to expire June 30, 2016. Council Member Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Companion Animal Welfare Advisory Committee

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. John Abbott for a three-year term to expire June 30, 2018, and the appointment of Ms. Stephanie Mizell to fill an unexpired term to expire June 30, 2018. Council Member Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 3, 2015**

Mental Health Advisory Committee

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Paul “Tony” Turner for a three-year term to expire June 30, 2018. Council Member Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Solid Waste Advisory Committee

Council Member Keegan-Ayer moved to confirm the appointments of Ms. Linda Norris-Waldt to fill an unexpired term to expire June 30, 2017, and Mr. Matt Seubert to fill an unexpired term to expire June 30, 2018. Council Member Donald seconded the motion that passed 4-3 with Council Members Chmelik, Delauter, and Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik		X	
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter		X	
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Town of Myersville Annexation Express Approval Review – Jim Gugel, Planning and Permitting Division

Mr. Gugel presented the request for express approval to permit the development of an annexed property into the Town of Myersville when there is a substantial difference in density from the county zoning to the municipal zoning. He noted the total acreage was 27.7 acres and the Town of Myersville voted to approve the annexation which became effective on October 23, 2015.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 3, 2015**

Council Member Keegan-Ayer moved to find the allowable land use in the proposed municipal zoning to be substantially different and the allowable density to be substantially higher than the pre-existing county zoning and to grant express approval to permit development of the annexed land prior to a period of five years from the date of the municipal approval. Council Member Delauter seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Public Hearings:

**Proposed Amendments to the Frederick County Water and Sewerage Plan
(Summer 2015 Cycle) – Tim Goodfellow, Planning and Permitting Division**

A public hearing was held, as duly advertised, on the proposed Summer 2015 cycle of water and sewerage amendments.

Council Member Otis swore in all those who would testify.

Mr. Goodfellow presented the requested amendments.

#WS-15-06 – Millie's Delight, LLC – Tax Map 400, Parcel 2110, located on the south east side of Rocky Springs Road and Kemp Lane, within The City of Frederick.

Mr. William Taylor, the developer, commented on the request.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-15-06 as presented. Council Member Fitzwater seconded the motion that passed 7-0.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 3, 2015**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

#WS-15-07 – Spring Bank, LLC – Tax Map 57, Parcel 42, located on the east side of Worman’s Mill Road within The City of Frederick.

Mr. John Mozallen, Fox and Associates, Inc., representing the applicant, commented on the request.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-15-07 as presented. Council Member Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

#WS-15-08 – Beshers Land Company, Number Two, LLC – Tax Map 68, Parcel 39, located on the west side of Plantation Road, adjacent to Linganore Creek.

Mr. Kevin Demosky, Utilities and Solid Waste Management and Ms. Kathy Mitchell, Office of the County Attorney, commented on Case #WS-15-08.

Mr. Bruce Dean, Esquire, Linowes and Blocher; Mr. Galen Clagett, Clagett Enterprises; and Mr. David Ling, Lingg Property Consultants, representing the applicant, commented on the request.

There were no public comments.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 3, 2015**

Council Member Keegan-Ayer moved to deny #WS-15-08 to reclassify 119 acres from No Planned Service (NPS) to S-5 Dev. based on the written agreement that obligated the county to provide a sewer stub; it did not obligate the county to provide service for development of the property and the property is located outside of a Community Growth Area and is not within a public water or sewer service area. Council Member Donald seconded the motion that failed 3-4 with Council Members Otis, Chmelik, Delauter, and Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik		X	
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter		X	
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis		X	

Council Member Shreve moved to approve Case #WS-15-08 to reclassify 119 acres from NPS to S-5 based on the development of a maximum of four (4) single family residential units. Council Member Chmelik seconded the motion that passed 4-3 with Council Members Keegan-Ayer, Donald and Fitzwater opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

#WS-15-09 - Yankee Land, LLC – Tax Map 56, Parcels 2017, 296, 390, 439, located on Yellow Springs Road at Walter Martz Road/Indian Springs Road within The City of Frederick.

Mr. Noel Manalo, Esquire, Miles and Stockbridge, representing the applicant, spoke on the request.

There were no public comments.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 3, 2015**

Council Member Keegan-Ayer moved to approve Case #WS-15-09 to depict a sewage pump station symbol on the Sewer Infrastructure Map as presented by staff. Council Member Delauter seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

#WS-15-10 - Rayburn Family, LLP/Hogan Realty Partners, LLC – Tax Map, 78, Parcel 327; Parcel 752, Lot 1 and Parcel 752, Lot 2, located on the south side of Baltimore Road, west of Bartonsville Road.

Mr. Casey Reed, Dewberry, representing the applicant, commented on the request.

There were no public comments.

Council Member Keegan-Ayer moved to approve Case #WS-15-10 as presented by staff. Council Member Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the approved/adopted resolutions can be obtained from the county's website, www.FrederickCountyMD.gov.)

(The Council took a break at 6:30 p.m. and reconvened at 7:00 p.m.)

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 3, 2015**

Second Reading Calendar:

**To Consider Bill No. 15-12 - To Modify Permitted Uses in Waterbody Buffers -
Council Member Jerry Donald and Council Member Jessica Fitzwater (Co-
Sponsor)**

A public hearing was held, as duly advertised, on proposed modifications to permitted uses in waterbody buffers.

Council Member Donald presented the bill.

Public comment was heard from:

- Kai Hagen
- Kimberly Brandt
- Steve McKay
- Stan Mordensky
- Matt Seubert

Mr. Tim Goodfellow, Planning and Permitting Division, commented on the proposed bill.

Council Member Otis noted the record would be closed and the third reading of Bill #15-12 would occur at a later date.

To Consider Bill No. 15-11 - Amendment to the Frederick County Code, Chapter 1-7.1: Ethics - Council President Bud Otis (On behalf of County Executive Jan Gardner)

A public hearing was held, as duly advertised, on proposed changes to the Ethics Ordinance.

Mr. John Mathias, Office of the County Attorney, presented the proposed changes.

Public comment was heard from:

- Charlie Smith, State's Attorney
- Earl Wahlquest
- Thomas Gill
- Donald Donahue
- Ed Burrell
- Craig Hicks
- Doug Kaplan
- Peggy Kaplan
- Linda Norris-Waldt
- Melanie Cox, League of Women Voters

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 3, 2015**

- Mary Ellen Rhoderick, League of Women Voters
- Eric Beasley
- Steve McKay
- Stan Mordensky
- Kimberly Mellon
- Matt Seubert

Council Member Otis noted the record would be closed and the third reading of Bill #15-11 would occur at a later date.

Public Comments

- Treasurer, Hillcrest Elementary School PTA
- Nima Fuentes, President, Urbana Elementary School PTA
- Peggy Kaplan
- Brent Simmons
- Eric Beasley

Council Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 9:15 p.m.

Bud Otis, President
County Council